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09/330,519	06/11/1999	MICHAEL D. ELLIS	UV-52	9514

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G VICTOR TREVZ  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 100201104

EXAMINER

PHAM, ROBERT T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/17/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/330,519

Applicant(s)

ELLIS ET AL.

Examiner

Robert T Pham

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&3. 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 4-6, 9-27, 29-31, 34-52, 54-56, 59-77, 79-81, 84-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff, U.S. Patent 6,240,555.

Regarding claims 1-2, 26-27, Shoff discloses an apparatus and method for interactive program guide (IPG), which is implemented on user television equipment, as shown in Figure 5, and described in column 8, lines 38-41, and lines 45-51, wherein:

Local memory at the user TV equipment is configured to store program guide data for use by IPG is described in column 7, lines 3-8;

Remote memory, located at the head-end, is configured to store supplemental data for access by IPG on-demand by user is shown in Figure 2 (54), and described in column 5, lines 13-23. On-demand access to supplemental data is described in column 9, lines 35-40, lines 54-59, lines 66-67, and column 10, lines 1-3.

The information sent down to the user TV equipment is the target specifications (eg, hyperlinks or pointers), listed in the EPG data structure, as shown in Figure 3 (58), and described in column 6, lines 17-48;

Some supplemental data remains stored in the remote memory and is not transferred to the local memory is described in column 7, lines 44-50. This is the case when the program has more than one source of supplemental content, each of which is associated with a URL.

The head-end is configured to distribute TV programming to multiple subscribers, as described in column 4, lines 16-18.

Regarding claims 4-6, 29-31, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The supplemental data includes detailed program descriptions for at least some of the program listings, as described in column 5, lines 17-23;

Program schedule listings stored in the local memory can be accessed more rapidly with IPG than the supplemental data stored in the remote memory is described in column 7, lines 3-8. Access supplemental data stored at the head-end requires a second memory lookup, as described in column 6, lines 17-29.

Regarding claims 9-10, 34-35, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The user takes actions with the user TV equipment that are indicative of a potential upcoming need for a given portion of the supplemental data; and

The system is configured to automatically supply the given portion of the supplemental data to the IPG in advance of the upcoming need

is described in column 8, lines 62-67, column 9, lines 1-8, 60-67, and column 10, lines 1-3. That is, when a user tunes to a channel, the IPG uses Table 48 (Figure 3) to determine if the program is interactive. If it is, the IPG accesses the target source to obtain supplemental data for the program.

Regarding claims 11-13, 36-38, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The supplemental data includes an application;

The application is user-selectable;

The application is launched automatically by the program guide

is described in column 11, lines 3-11.

Regarding claims 14-15, 18-19, 39-40, 43-44, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The supplemental data includes real-time information;

Real-time information is overlaid on TV program, by the program guide on an on-going basis;

The IPG displays an information screen in which real-time data is displayed;

The supplemental data is displayed as soon as it is available is described in column 10, lines 53-58, and column 11, lines 59-65. On-line trivia game is real-time, and it is displayed as it is available.

Regarding claims 16-17, 41-42, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The supplemental data includes an internet address;

The IPG displays the internet address as a link is described in column 6, lines 24-48.

Regarding claims 20-25, 45-50, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein the supplemental data includes:

Biographies, as described in column 11, line 30;

Video, audio clips, still images, bitmap graphics, as described in column 5, line 51, and line 18;

Trivia, as described in column 10, lines 53-58, and column 11, lines 39-44;

Advertisements, as described in column 5, line 21.

Regarding claims 51-52, 76-77, Shoff discloses an apparatus and method for interactive program guide (IPG), which is implemented on user television equipment, as shown in Figure 5, and described in column 8, lines 38-41, and lines 45-51, wherein:

Local memory at the user TV equipment is configured to store program guide data for use by IPG is described in column 7, lines 3-8;

Remote memory, located at the head-end, is configured to store supplemental data for access by IPG on-demand by user is shown in Figure 2 (54), and described in column 5, lines 13-23;

The user takes actions with the user TV equipment that are indicative of a potential upcoming need for a given portion of the supplemental data; and

The system is configured to automatically supply the given portion of the supplemental data from the remote memory to the IPG in advance of the upcoming need;

is described in column 8, lines 62-67, column 9, lines 1-8, 60-67, and column 10, lines 1-3. That is, when a user tunes to a channel, the IPG uses Table 48 (Figure 3) to determine if the program is interactive. If it is, the IPG accesses the target source to obtain supplemental data for the program.

The head-end is configured to distribute TV programming to multiple subscribers, as described in column 4, lines 16-18.

Regarding claims 54-56, 79-81, Shoff discloses an apparatus and method for interactive program guide (IPG), wherein:

The supplemental data includes detailed program descriptions for at least some of the program listings, as described in column 5, lines 17-23;

Program schedule listings stored in the local memory can be accessed more rapidly with IPG than the supplemental data stored in the remote memory is described in column 7, lines 3-8. Access supplemental data stored at the head-end requires a second memory lookup, as described in column 6, lines 17-29.

Regarding claims 59, 84, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The user takes actions with the user TV equipment that are indicative of a potential upcoming need for a given portion of the supplemental data; and

The system is configured to automatically supply the given portion of the supplemental data to the IPG in advance of the upcoming need

is described in column 8, lines 62-67, column 9, lines 1-8, 60-67, and column 10, lines 1-3. That is, when a user tunes to a channel, the IPG uses Table 48 (Figure 3) to determine if the program is interactive. If it is, the IPG accesses the target source to obtain supplemental data for the program.

Regarding claims 60-62, 85-87, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The supplemental data includes an application;

The application is user-selectable;

The application is launched automatically by the program guide  
is described in column 11, lines 3-11.

Regarding claims 63-64, 67, 69, 88-89, 92, 94, Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The supplemental data includes real-time information;

Real-time information is overlaid on TV program, by the program guide on an on-going basis;

The IPG displays an information screen in which real-time data is displayed;



The supplemental data is displayed as soon as it is available  
is described in column 10, lines 53-58, and column 11, lines 59-65. On-line trivia  
game is real-time, and it is displayed as it is available.

Regarding claims 65-66, 90-91, Shoff discloses an apparatus and method of  
interactive program guide (IPG), as claimed, wherein:

The supplemental data includes an internet address;

The IPG displays the internet address as a link  
is described in column 6, lines 24-48.

Regarding claims 68, 93, Shoff discloses an apparatus and method of interactive  
program guide (IPG), as claimed, wherein the supplemental data is requested on-  
demand by user actions with the IPG, as described in column 9, lines 35-40, lines 54-  
59, lines 66-67, and column 10, lines 1-3.

Regarding claims 70-75, 95-100, Shoff discloses an apparatus and method of  
interactive program guide (IPG), as claimed, wherein the supplemental data includes:

Biographies, as described in column 11, line 30;

Video, audio clips, still images, bitmap graphics, as described in column 5, line  
51, and line 18;

Trivia, as described in column 10, lines 53-58, and column 11, lines 39-44;

Advertisements, as described in column 5, line 21.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3, 28, 53, 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff, in view of Davis U.S. Patent 5,559,548.

Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed, wherein:

The head-end is configured to distribute TV programming to multiple subscribers, as described in column 4, lines 16-18;

Remote memory is located at the head-end, as shown in Figure 2, and described in column 5, lines 6-23.

Shoff does not disclose a main facility configured to provide the supplemental data to the remote memory and configured to provide program guide data to the head-end for re-distribution to the local memory.

Davis discloses:

A main facility configured to provide the supplemental data to the remote memory, as described in column 7, lines 4-23;

A main facility configured to provide program guide data to the head-end for re-distribution to the local memory, as described in column 9, lines 39-49, and column 20, lines 18-23.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shoff to include a main facility, as disclosed by Davis, to enable distribution of program guides, advertisements and promotions that are common to many parts of the world, while allowing insertion of schedule listings, advertisements and promotions that are specific to individual locales at the head-ends.

2. Claims 7-8, 32-33, 57-58, 82-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff, in view of Matthews U.S. Patent 6,025,837.

Shoff discloses an apparatus and method of interactive program guide (IPG), as claimed.

Shoff does not disclose:

The user takes actions with the IPG that are indicative of a potential upcoming need for a given portion of the supplemental data;

The system is configured to automatically supply the given portion of the supplemental data to the IPG in advance of the upcoming need;

The user actions involve viewing certain program listings.

Matthews discloses:

The user takes actions with the IPG that are indicative of a potential upcoming need for a given portion of the supplemental data;

The system is configured to automatically supply the given portion of the supplemental data to the IPG in advance of the upcoming need;

The user actions involve viewing certain program listings

is described in column 11, lines 58-67, column 12, lines 1-7, and lines 18-26.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shoff to include an IPG, based on user's viewing certain program listings, retrieves supplemental data in anticipation of user's need, as disclosed by Matthews, to automatically provide viewer with more detailed information about a program, and therefore, enhance viewer's interactivity experience with IPG.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander U.S. Patent 6,177,931 discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

LaJoie U.S. Patent 5,850,218 discloses an interactive program guide with default selection control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T Pham whose telephone number is 703-305-4810. The examiner can normally be reached on M-F 7:30-5; every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

Robert Pham  
July 8, 2002



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600